



AN ORDINANCE

04- O-1259

BY COUNCILMEMBER ANNE FAUVER

AN ORDINANCE TO AMEND CHAPTER 10 OF THE CODE OF ORDINANCES, CITY OF ATLANTA, GEORGIA SO AS TO DELETE CERTAIN OBSOLETE SECTIONS OF THE CODE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages in order to provide for the safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, the Public Safety/Legal Administration Committee of the Atlanta City Council formed a task force, known as the Alcohol Technical Advisory Group (ATAG), to undertake the review of the alcohol licensing code; and

WHEREAS, ATAG has completed a review of several areas of the alcohol licensing code and recommends approval of this ordinance; and

WHEREAS, the Code currently contains, in sections 10-106 and 10-126.1, provisions that are obsolete and should be deleted; and

WHEREAS, ATAG recommends that those sections be deleted.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

Section 1.

That Chapter 10, Article II, Section 10-106 be amended to delete the last two sentences of the subsection, and shall read as follows:

Sec. 10-106. Annual renewal; forms.

All licensees under this division shall be required to renew their licenses annually on forms prescribed by the license review board on or before January 1 of the calendar year in which the licensee proposes to operate. All lessees located within any licensed premises shall be subject to this requirement, by submitting a renewal application contemporaneously with the primary renewal submitted by the licensee. The failure of an applicant for renewal to provide the police department with a statement from a certified public accountant evidencing that the location derived less than the percentage established by ordinance of gross receipts from the sale of alcoholic beverages, shall result in the denial of a renewed license.



Section 2.

That Chapter 10, Article II., Section 10-126.1 which currently reads as follows, be deleted in its entirety:

Sec. 10-126.1. [Temporary permit for sale of alcoholic beverages.]

- (a) Upon the filing of an application and payment of a filing fee of \$100.00 and a permit fee of \$500.00 per day, up to a maximum of \$5,000.00, and after investigation by the department of police and review by the license review board, the mayor may issue a permit to an individual or organization for the sale of alcoholic beverages for consumption on the premises only during the period June 15, 1996 through and including August 31, 1996 (the "olympic period") under the following conditions:
- (1) The applicant must already hold an annual license for the sale of alcoholic beverages for on-premises consumption.
 - (2) The permit will allow sale of alcoholic beverages beyond the premises described in the annual license only in the areas specifically described in the application and only during the olympic period.
 - (3) Food must be served by a person or entity (who may or not be the applicant) during any period of time that alcoholic beverages are served.
 - (4) The application for such permit must have been filed with the department of police at least 21 days prior to the date of the special event.
 - (5) Except as otherwise provided by state law, licensees of special events which have been permitted pursuant to this section shall not engage in the sale of alcoholic beverages or in the operation of a bottle house, as defined by city code section 10-1, between the hours of 2:55 a.m. Sunday and 12:00 midnight Sunday and between the hours of 4:00 a.m. and 9:00 a.m. on the other days of the week. Alcoholic beverages may be sold on Sundays pursuant to this section between the hours of 12:30 p.m. and 12:00 a.m. in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons and in eating establishments. As used in this subsection, the term "eating establishment" means an establishment which is licensed to sell distilled spirits, malt beverages or wines and which derives at least 50 percent of its total annual gross food and beverages sales from the sale of prepared meals or food in accordance with O.C.G.A. § 3-3-7.
 - (6) All applicants and permit holders must comply with all state statutes governing the sale of alcoholic beverages and all sections of this Code and other city ordinances governing such sales, except those provisions of the code of ordinances in express conflict with this code section.



- (7) Each special event permitted pursuant to this section must comply with the following requirements:
- a. The area in which the special event is held must be fenced;
 - b. The applicant must submit a site plan for the special event;
 - c. No more than 15 persons per square foot may be allowed into the special event area at any one time;
 - d. The applicant must provide a traffic plan and a security plan, and said plans must be approved by the police department; and
 - e. The applicant must submit a plan for removal of trash and provision of toilet facilities, and said plan must be approved by the department of public works.
- (b) A special event permit issued pursuant to this code section may be denied, suspended or revoked by the police chief for due cause for a violation of this chapter; for failure to comply with the terms of the permit; or when such violation results in an emergency situation in which continued operation of the premises by the licensee endangers the health, welfare, or safety of the public.
- (c) For the olympic period defined in paragraph (a), this code section shall supersede section 10-126 of the Code of Ordinances of the City of Atlanta, and no temporary special event alcohol permits shall be issued for that period except in accordance with this section 10-126.1.

Section 3

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

SEP 20, 2004
SEP 28, 2004

CONSENT I

		9-20-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSESED ON CONSENT
1. 04-O-1500	41. 04-R-1575	62. 04-R-1608
2. 04-O-1501	42. 04-R-1576	63. 04-R-1609
3. 04-O-1502	43. 04-R-1578	64. 04-R-1610
4. 04-O-1503	44. 04-R-1579	65. 04-R-1611
5. 04-O-1504	45. 04-R-1633	66. 04-R-1612
6. 04-O-1505	46. 04-R-1653	67. 04-R-1614
7. 04-O-1631	47. 04-R-1593	68. 04-R-1615
8. 04-O-1508	48. 04-R-1594	
9. 04-O-1513	49. 04-R-1595	
10. 04-O-0165	50. 04-R-1596	
11. 04-O-1253	51. 04-R-1597	
12. 04-O-1255	52. 04-R-1598	
13. 04-O-1256	53. 04-R-1599	
14. 04-O-1259	54. 04-R-1600	
15. 04-O-1431	55. 04-R-1601	
16. 04-O-1442	56. 04-R-1602	
17. 04-O-1479	57. 04-R-1603	
18. 04-O-1480	58. 04-R-1604	
19. 04-O-1551	59. 04-R-1605	
20. 04-O-1552	60. 04-R-1606	
21. 04-O-1554	61. 04-R-1607	
22. 04-O-1625		
23. 04-O-1627		
24. 04-O-0770		
25. 04-R-1566		
26. 04-R-1568		
27. 04-R-1569		
28. 04-R-1630		
29. 04-R-1635		
30. 04-R-1650		
31. 04-R-1571		
32. 04-R-1632		
33. 04-R-1590		
34. 04-R-1616		
35. 04-R-1580		
36. 04-R-1581		
37. 04-R-1583		
38. 04-R-1584		
39. 04-R-1585		
40. 04-R-1574		

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ADOPTED BY

SEP 2 0 2004

COUNCIL

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 7/6/04
Referred To: Public Safety
Date Referred _____
Referred To: _____
Date Referred _____
Referred To: _____

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

PSLA Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

[Signature]

Refer To

FINAL COUNCIL ACTION

- ☒ 2nd
- ☐ 1st & 2nd
- ☐ 3rd
- ☐ Consent
- ☐ V Vote
- ☐ RC Vote

CERTIFIED

CERTIFIED
SEP 2 0 2004
ATLANTA CITY CLERK
[Signature]

MAYOR'S ACTION

APPROVED
SEP 2 8 2004
[Signature]
MAYOR